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EXAMINER	
WOODS, ERIC V	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/626,163	VAN DER ZIJPP, ROBERT	
	Examiner	Art Unit	
	Eric Woods	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/26/2007 has been entered.

Response to Arguments

Applicant's arguments, see claim amendments and Remarks pages 1-3, filed 1/26/2007, with respect to the rejection(s) of all claim(s) under various statutes have been fully considered and are persuasive.

Therefore, the rejection of claims 1-2, 4-8, and 11-12 under 35 USC 102(e) has been withdrawn in view of applicant's claim amendments.

Accordingly, the rejection of claims 3, 9-10, and 13-19 under 35 USC 103(a) stand withdrawn, as they are dependent upon amended independent claim 1.

However, upon further consideration, a new ground(s) of rejection is made in view of various references as set forth below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. The use of "such as" leaves it unclear to whether or not the cited items are limiting or not. This claim is also rejected under 35 USC 112, fourth paragraph.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-8 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter (US 6,091,482) in view of Van Berkel et al (US 6,118,584 A).

As to claim 1, Carter teaches the following limitations:

A computer implemented process for the creation of a merged image comprising the steps of:

a. Preparing at least two base images in digital format; (Carter Abstract, Figure 5, 3:30-53, 5:50-60, Figure 5 **only showing that images are divided into a plurality of cells (rows and columns, a.k.a. pixels)**)

b. Selecting a pattern wherein said pattern comprises a multiplicity of cells, each cell having n regions wherein n is the number of prepared base images and each region has coordinates; (Figure 6, implemented in Figure 4B, 6:46-58, 7:62-65 ... 'predetermined, **desired** sequence', illustrates the recited **cell**. The pattern per se is shown in Figure 8 – Figure 7 is merely illustrative of how the recited images are divided into blocks. Figure 8 **clearly** illustrates how only a portion of each image is combined. Therefore, examiner submits that the selection of an individual cell, as in Figure 6, automatically forms the pattern applied to multiple cells, as in Figure 8. Finally, the flowchart in Figure 2 has step 214 where interlacing occurs – the specification discloses that "...**selected slices or segments from each image assembled together in a predetermined, desired sequence**..." which clearly shows that the user would select the desired pattern (7:63-8:5))

c. Applying the pattern to each base image to divide each base image into a plurality of cells each having n regions; (Carter Figure 7 illustrates that the images are divided and made into sets that the pattern would be applied to; Figure 8 shows that the template / pattern of Figure 6 is applied to each base image (Figure 5), where each image is already divided into columns (Figure 7), where as noted the 'cells' are shown in Figure 7 and follow the pattern in Figure 6 (6:43-7:10))

d. Providing a merged image template wherein said template comprises a multiplicity of

cells, each cell having n regions wherein n is the number of prepared base images and wherein each region of a cell is assigned to a different prepared base image and the template is divided in the same pattern applied to the base images; (This step is identical to the one above, where the template is that shown in Figure 6 and implemented in Figure 8; the template shown clearly divides each image into various image sections (such a template would be defined in Figure 7 particularly, in the regions listed as 20A and 20B). Examiner submits that the overall 'pattern' or 'template' has the form in Figure 8 and that the overall form would be that as shown in Figure 9)

e. Selecting a mergable portion of each respective base image wherein the mergable portion corresponds to each region of each cell assigned to the respective base image; (Carter Figure 6 teaches of applying the sequence shown in Figure 6 to each underlying base image, such as shown in Figure 8, 7:1-45 – specifically, as in Figure 7 the images are divided into blocks, where this would constitute 'selecting a mergable portion of the base image' because clearly a strip from each image is combined as in Figure 7, and then the pattern is applied as in Figure 8 to determine the recited 'mergable portions')

f. Consecutively merging only the selected mergable portions of each respective base image into the merged image template in a non-overlapping manner to provide a single layer merged image; and (Carter clearly teaches that a final merged image is generated in Figure 9. Clearly, since the base images are numbered in a left to right manner, the merging process will be consecutive, since the final image is composed from left to right in numbering, and the first image is on the left. This is an inherent property of the merging process shown in Carter. See 7:1-8:45)(Note that Carter does **not** merge cells

in an over-lapping manner to anticipate a potential limitation previously brought up during the examiner's amendment discussion. It is further noted that the result is shown as in Figure 9 and **specifically Figure 4B**, where the specified mergable portions are combined in a non-overlapping manner, etc)

g. Outputting the merged image in at least one of a computer readable and/or a physical form. (Carter shows in Figure 1 that the process generates final outputs that have physical or computer-readable output – (Figure 3, 310, 320) – 4:25-60)

Carter does not explicitly teach the limitation of two-dimensional, distinct, two-dimensional coordinates, but Van Berkel teaches that limitation. See specifically Figures 5, 8, and 9. Figure 9 is one particular embodiment showing this way, as explained in (8:55-9:55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carter in view of Van Berkel, where motivation for such a modification to the Carter reference is beneficial for at least the reasons set forth in 9:29-35 and in the rest of the cited paragraph, and such structures are beneficial as in the Van Berkel Abstract and 2:10-3:55, see 3:17-30 (e.g. more images can be viewed in stereoscopic mode in less space with better angular resolution and similar, other motivations as found in the cited section(s).

As to claim 2, clearly Carter teaches that the number of regions of each cell of respective base image is clearly varied based on the number of base images to be merged, as in 7:25-43 and 5:35-40; since the number of cells and number of items per

cell for the merge pattern or template are varied based both the number of base images as specified therein.

As to claim 3, Carter clearly shows in Figures 6 and 8 that the merging template applied uses three cells from some of the base images, which is for an example using four base images (as shown in Figure 5), where n would be four and n minus one would be three. This is further a matter of design choice, which Carter clearly teaches in 7:24-43, 5:35-40, the shown Figures, 8:54-9:15. Carter clearly shows in Figures 5-8 that the user as appropriate for the application in question can choose the number of regions per cell. Certain regions in the sample cell have n-1 portions of the cell and the like. Applicant has further not presented any evidence of criticality of the number of cells per base image as recited in the dependent claim.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carter to utilize n-1 cells (see Van Berkel Figures 8-9, 9:25-35) for the reasons stated earlier, namely that the resolution of the base image must necessarily be reduced (see items (c), (d), and (e) in claim 1 and the corresponding, cited portions of the Carter specification), and because if the desired composite image must have the same dimensions as the base images, some portion of each base image must be discarded, which is the principle used in the art (Carter).

As to claim 4, Carter clearly teaches using a computer to perform the steps of the process (Figures 1-2, 2:30-3:40).

As to claim 5, Carter clearly applies a grid, as shown in Figures 5-8.

As to claim 6, Carter clearly divides each base image into pixels, as shown in Figures 5-8 in a digital manner. Next, the base images are clearly divided into cells using a grid pattern, as shown in Figure 7, with the segmentation pattern shown in Figure 6 used to generate the multiplicity of cells and regions; see Figure 7.

As to claim 7, clearly Carter in 5:50-6:20 teaches that the dimensions of the base image or the dimensions of the merged image that is required by a user determine the dimensions of the grid.

As to claim 8, clearly Carter in 7:24-43 and 5:35-40 teaches that the dimensions of the cells are varied based on the number of base images.

As to claim 11, clearly Carter teaches in Figures 5-9, particularly Figures 7-9, that the mergable portions of each base image are placed in a predetermined spacing in relation to each other – namely, the grid template illustrated in Figures 6, 7, and 9.

As to claim 12, Carter teaches that a computer merges the images to form a final, composite image. Clearly, a final composite image that consists of all the various base image portions must be a single layer, since it is sent to the printer as such 8:5-15, 7:10-25 ('final composite image') as a single layer.

Claims 9-10 are rejected under 35 USC 103(a) as unpatentable over Carter in view of Van Berkel as applied to claim 6 above, further in view of Delhi (US 5,638,158).

As to claim 9,

A process as claimed according to claim 6, wherein the cells and regions have a particular shape chosen to achieve or maintain high tolerance with regard to pixel or cells and region spacing.

Reference Carter in view of Van Berkel does not expressly teach this specific limitation. Reference Delhi teaches (9:26-32) that high tolerance with regards to pixel spacing is important. Delhi further teaches that streaks are to be avoided in creating these mosaic images (9:18-29), and various shapes are shown in Fig. 1 where spacing is clearly important. Also, it is a fundamental of the art and geometry that the use of square or rectangular pixels maximizes the spacing (e.g. leaves no empty space), which is usually the goal of a display (to get maximum resolution on it). Further, cells are taught to have different shapes by Delhi (10:1-25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the digital image displays of Carter in view of Van Berkel with the differently shaped cells and high space tolerance of Delhi, as Carter in view of Van Berkel uses mosaiced base images with no overlap. One of ordinary skill in the art at the time the invention was made would look to the Delhi reference since Delhi is concerned with combining base images into a composite image, and motivation for such a combination can be found as above, and in Delhi 7:4-20, where it is taught that the **shape** of each particular region or aperture may be configured by the user, which would clearly allow for the user to configure the shapes of the various portions or strips of the lenticular mask of Carter in view of Van Berkel – this would be both advisable, since Carter in view of Van Berkel also suggests it (7:24-43) because the lens spacing could be different, and the lenses

could be of non-vertical orientation (e.g. diagonally oriented lenses, which are well known in the art, see various references previously cited in numerous previous Office Actions.

As to claim 10,

A process as claimed according to claim 6 wherein one or more of the base images are divided into differently shaped cells and regions.

Delhi explicitly teaches this limitation, teaching hexagonal, elliptical, and other shapes of pixels / regions (10:1-25). It would trivially obvious to modify the digital displays of Carter / Van Berkel to use the differently shaped pixels / interleaving patterns of Delhi. The motivation and combination of claim 9 are adopted herein by reference without further comment being required.

Claim 13 is rejected under 35 U.S.C. 103(a) as unpatentable over Carter in view of Van Berkel in view of US 6,088,018 ('DeLeeuw I').

As to claim 13,

A process as claimed according to claim 12 wherein at least one additional layer is added to the single layer image, the entire additional layer being digitally transparent except for advertising material such as trademarks and other digital information, for example Vernier scales, calibration scales, or image borders.

Reference Carter in view of Van Berkel teaches the use of a grid, which would prima facie be transparent except for the grid lines dividing the cells for the light sources as specified therein.

Reference DeLeeuw I clearly teaches the use of digitally transparent layers, as shown in Fig. 2, where it is disclosed that a clock and stock ticker are overlaid onto the normal screen, but in a transparent fashion (the stock ticker and clock could obviously be advertising)(4:15-35, transparent layer). Reference Carter in view of Van Berkel clearly teaches use of lenticular images for advertising and similar functionality (1:5-2:20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the transparent digital layers of DeLeeuw I with the patterns of Carter and Van Berkel, as DeLeeuw uses transparent layers and digital processing (*prima facie* digitally transparent) techniques, and with such techniques and the varying interleaving patterns allowed, it would be obvious to use advertising for such a technique. Motivation for combination is found in the fact that overlaying additional information allows more data to be presented to the user simultaneously (note, for example, the clock and other details in DeLeeuw, and the image of the user shown on the screen, which clearly would allow the user to see his own representation during a video-conference or the like, as discussed in the reference as above. Therefore, such a modification would have been obvious to one of ordinary skill in the art at the time the invention was made. Further, DeLeeuw is only relied upon for that one particular detail, and thus arguments that such a combination would destroy the function of one reference are not valid, since all references – namely Carter in view of Van Berkel and DeLeeuw – are software and software can be made of modules that have arbitrary functionality, so it would be obvious to take only the module performing that function and move it to the combination as set forth above.

Claim 14 is rejected under 35 U.S.C. 103(a) as unpatentable over Carter in view of Van Berkel as applied to claim 1 above and further in view of Yokomizo et al (US PGPub 2002/0067500 A1)('Yokomizo') and Morris (US PGPub 2003/0200268 A1)('Morris').

As to claim 14,

Carter teaches:

A computer network based process comprising the steps of:

A. At least one end user supplying at least two base images to an image interrogation means; (Carter teaches that digital images can be provided to the prepress operation – that is, see Figure 1, wherein inputs can include electronic files 14 and video frames 16 obtained from various sources – 4:25-37.)

Carter and Van Berkel fail to teach, but Yokomizo and Morris teach:

B. The image interrogation means checking the base images for suitability and size; (Yokomizo 0030)

C. Implementing the computer implemented process according to claim 1; and (clearly the rejection to claim 1 sets this limitation forth adequately, and that rejection is herein incorporated by reference in its entirety)

D. Forwarding the merged image to the end user. (Yokomizo Fig. 1, which clearly illustrates that images are processed on the remote server representing the dealer's head office, e.g. element 9. See also Morris 0018-0021)

The parent references (from claim 1) do not expressly teach these limitations (e.g. items (b), (c), and (d)), except item (a). The system of Yokomizo involves having the images from digital photographs stored on a remote server, and the user downloads a small version of the high-resolution image, performs operations on it, and sends the results back to the server, where the server actually performs the desired operations (clips, cuts, rotations, scaling, zooming, image extraction, matte and color correction, sharpening, red eye processing, etc. [0030]) on the high-resolution version. Reference Morris provides a means for users to store their images remotely on a server and share them with other people, including emailing them. The system of Yokomizo [0048] can also provide files after the image processing done remotely [0050] by CD, floppy, etc., and could just as easily be emailed out as the system of Morris does. The only constraint on the Yokomizo system is bandwidth, so with high bandwidth available (e.g. cable modem, DSL, etc.) using the remote server for near real-time image processing applications becomes feasible. Using the technologies of Morris would allow the results to be sent back to the user via email or a website and allow the user to share their work with others. Since the high-resolution images are / would be processed remotely, obviously they would be scanned (Yokomizo) and validated beforehand, but it would be an obvious modification if sufficient bandwidth were available to do the image validation on the remote server upon upload using either the logic behind why it would be done in the first place at scan time of Yokomizo.

Reference Carter in view of Van Berkel teaches the use of processed mosaic images in advertising. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the mosaics and overlays of Carter in view of Van Berkel with the image processing systems of Morris and Yokomizo, since after mosaic images were rendered, they could be sent back to the end user for review, which would happen using the photo-sharing technology of Morris or email, where allowing the user to verify the acceptability of the finished product before final printing would be sufficient benefit to justify this combination.

Claims 15-16 are rejected under 35 U.S.C. 103(a) as unpatentable over Carter in view of Van Berkel as applied to claim 1, in further view of Yokomizo and Morris as applied to claim 14, and further in view of Kimura et al (US PGPub 2003/0025933 A1)('Kimura').

As to claim 15,

A computer network based process as claimed according to claim 14 wherein the base images are forwarded to an interrogation means which then forwards the base images to a third party for the application of the process for the creation of the merged digital image.

References Carter in view of Van Berkel and Morris do not explicitly teach this limitation. Reference Yokomizo implicitly teaches this limitation, where the user brings their photographs to the dealer branch shops (Fig. 1) and the dealer then scans them and sends them to the dealer head shop. Obviously, such dealer shops could be

franchises that were independently owned, and the dealer head shop would be an effective third party, and users could upload pictures to the dealer shops rather than physically bringing them in.

Reference Kimura explicitly teaches this limitation, wherein in 0019-0021 and Fig. 4 Kimura teaches that users can observe an image that they want, download a thumbnail, place an order for said image (taken from, for example, a sporting event by a TV station or professional photographer), pay for said image, and then send it to a "photo finishing" location where it will processed as they desire (e.g. zoomed in, blown up, rotated, scaled, cropped, etc.) and the final product sent to them (obviously, it could be downloaded [0089] or sent to them via mail or email (see technology of Morris)). This fulfills the recited limitation, where the interrogation means, etc., are the combined servers of Morris and Yokomizo as discussed in the rejection to claim 14, and thusly the images would be sent to the third party (the photo finisher) to perform the processing of Carter in view of Van Berkel as recited in the above claim.

Reference Carter in view of Van Berkel teaches the use of processed lenticular images in advertising. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the images of Carter in view of Van Berkel with the image processing systems of Morris and Yokomizo, since if a public video terminal were equipped with the software as above as taught in claim 1, since mosaic images that were rendered and then sent back to the end user for review, which would happen using the photo-sharing technology of Morris or email, and further the use of the technology of Kimura would allow an advertiser or user to download a picture

of a famous event or person (e.g. an athlete), add that image to an advertisement or simply a public display (e.g. a lenticular image) after the end results of the processing operations performed by a third party were complete and the image was returned via the technology of Morris or Yokomizo.

As to claim 16,

A computer network based process as claimed according to claim 14 wherein the third party is able to control the quality of the merged images produced.

References Carter in view of Van Berkel, Morris, and Yokomizo do not explicitly teach this limitation. Reference Kimura teaches that the third party performs image enhancement or resolution conversion [0032], which *prima facie* meets the recited limitations of the above claim. The technology would allow for the systems of the above four references to be used more efficiently and allow the user to have the desired image processed in different ways to achieve a more aesthetically pleasing end result. The motivation and combination of claim 15 is hereby incorporated via reference without further comment.

Claims 17-19 are rejected under 35 U.S.C. 103(a) as unpatentable over Carter in view of Van Berkel, Morris, Yokomizo, and Kimura as applied to claim 16 above, and further in view of Ginter et al (US PGPub 2004/0054630 A1)('Ginter').

As to claim 17,

A computer network based process as claimed according to claim 15, wherein the third party is a licensor of the process for the creation of the merged digital image and

selectively control access and use of the process through license agreements with at least one licensee.

References Carter in view of Van Berkel, Morris, and Yokomizo do not explicitly teach this limitation. Reference Kimura implicitly teaches this limitation, in that the third party controls access to the process, but does not teach intellectual property specifically licensed as a process (e.g. the images themselves are controlled, and the higher resolution versions). Reference Ginter teaches licensing of intellectual property with licensees (see, for example, 0010 and 0023), where intellectual property is defined to include software (0007) that could execute the processes of Carter in view of Van Berkel, and that license agreements control access to content and functionality (0015-0026, various types of entities that would subscribe to such functionality, how it can be applied to almost any circumstance, etc.) In 0630 Ginter discloses the specific use of DRM / VRE software to control the actions of a licensee, including enforcing audit procedures required for a licensee, etc. Clearly, the process of Ginter could be applied to any kind of information services provided over networks, etc, as in the combination of the systems of Morris and Yokomizo as covered in the rejections to claims 14 and 16, and the business model would be obvious, as this is taught by Ginter, and is only an obvious extension of what was rejected under claim 16 above, which rejection is hereby incorporated by reference in its entirety. Finally, Ginter clearly establishes that users pay royalties / license payments for use of content because of the VRE software – e.g. 0200 and 1821.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the processes of Carter and Van Berkel with the systems of Morris and Yokomizo for delivery and transmission purposes, along with the content management structures and business methods of Ginter and Kimura relies on the motivation and combination from claim 16, which is hereby incorporated by reference, as the addition of the electronic rights protection and management as well as the business models of Ginter to those of Kimura would enable the third party to control the use and access to such material with the protective attributes of the VRE software, which would enhance the protection given to such images (and processes) via the system of Kimura.

As to claim 18,

A computer network based process as claimed according to claim 17 wherein according to the license agreement, the third party/licensor collects income in the form of license or royalty payments from licensees, according to predetermined parameters of the base images or merged images. [First 4 references do not explicitly teach these limitations (e.g. Carter in view of Van Berkel, Morris, and Yokomizo).]

Clearly, as discussed in the rejection to claim 16 above, the third party does collect income from the user or individual who submitted the images to be processed under the system of Kimura. As taught in Ginter and discussed in the above rejection to claim 17, license payments and royalties are paid out on use of content as per license agreements as covered 0015-0025. Ginter teaches predetermined parameters or the payment for aspects thereof in (0161, 0211, 1912, 1936) for content, which would *prima*

facie include images. Therefore, all the limitations are met as recited above. The motivation and combination of the parent claim are hereby incorporated via reference in their entirety.

As to claim 19,

A computer network based process as claimed according to claim 17 wherein the third party / licensor is able to accurately track individual merged images and the quantity of base images and/or merged images output for a particular operator/licensee. [First 4 references do not explicitly teach these limitations (e.g. Carter in view of Van Berkel, Morris, and Yokomizo).]

Clearly, as discussed in the rejection to claims 16 and 17 above, particularly that of claim 16, reference Kimura teaches that for the user to get anything other than a thumbnail version of the image, they have to compensate the copyright owner, which would fulfill the recited limitations, since every use of the content would have to be paid for and pass through an external server for validation (e.g. the services of Morris and Yokomizo). Further, Ginter clearly teaches the ability to track the number of uses of an object (0404-0411) [tracking quantity of base images input would be *prima facie* obvious and a trivial modification, as it would simply require counting the number of files submitted to the licensee.for processing per run of the process for generating the mosaics]. Further, in 0404-0411 Ginter teaches the use of "meter" software that can monitor all the circumstances of use of a licensed piece of process, software, intellectual property, etc. that specifically meets all the limitations recited by applicant.

The motivation and combination of claim 17 is hereby incorporated herein by reference in its entirety, in addition to the above-discussed motivation.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the processes of Carter in view of Van Berkel with the systems of Morris and Yokomizo for delivery and transmission purposes, along with the content management structures and business methods of Ginter and Kimura (the motivation and combination from claim 16 is hereby incorporated by reference), as the addition of the electronic rights protection and management as well as the business models of Ginter to those of Kimura would enable the third party to control the use and access to such material with the protective attributes of the VRE software, which would enhance the protection given to such images (and processes) via the system of Kimura.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Woods whose telephone number is 571-272-7775. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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